

STATE OF NEBRASKA

DEPARTMENT OF NATURAL RESOURCES

In the Matter of the)
Upper Niobrara White Natural) ORDER FOR TEMPORARY STAY
Resources District's Request)

The Upper Niobrara White Natural Resources District (UNWNRD) pursuant to Neb. Rev. Stat. §46-712(6) requested the Department of Natural Resources to conduct an evaluation to determine if an immediate stay should be placed on the issuance of new surface water natural flow appropriations in the portion of the ground water management area adopted by the UNWNRD not determined by the Department to be fully appropriated. The Director has conducted the evaluation requested and FINDS:

1. The UNWNRD has adopted a ground water management plan and designated a ground water management area pursuant to the Ground Water Management and Protection Act, Chapter 46, Article 7 of the Nebraska Revised Statutes.
2. The UNWNRD has closed the Area to the issuance of any permits for the construction of new water well, a control authorized by Neb. Rev. Stat. §46-739(1)(m).
3. The Department determined by order on November 3, 2004, that the portion of the Niobrara River Basin upstream of the Mirage Flats Diversion Dam, the Box Butte Creek Subbasin, the Snake Creek subbasin, the Hat Creek Basin and the White River Basin were fully appropriated and a stay was placed on the issuance of new surface water appropriations.
4. It is in the public interest to stay the issuance of new surface water natural flow appropriations in the portion of the District not determined to be fully appropriated to provide the Department and the UNWNRD with time to evaluate the water supplies in that portion of the ground water management area.

It is therefore ORDERED:

Effective July 6, 2007 a temporary stay shall be placed on the issuance of any new surface water natural flow appropriations for irrigation in the portion of the UNWNRD's ground water management area that is not currently fully appropriated. A copy of the boundaries of this area is attached to and incorporated in this Order.

Pursuant to §46-714(3)(i) exceptions to the stay imposed shall exist for new surface water uses to which an existing right or permit is transferred in accordance with state law, but the consumptive use of any such new use can be no greater than the historic consumptive use of the existing surface water use.

This stay shall not apply to any application for permits in the Department on June 1, 2007.

This stay shall not prohibit any irrigation district, reclamation district, public power and irrigation district, rural water district or mutual irrigation or canal company from completing a map transfer pursuant to Neb. Rev. Stat. §§46-2,121 through 46-2,130 or prohibit an irrigator from increasing the amount of land irrigated as long as the amount of water diverted does not exceed the amount of water currently authorized for diversion in the appropriation permit.

The Director may grant variances from the strict application of this stay upon good cause shown. Variances will be liberally granted for appropriations for alternative methods of irrigation used for public education and/or demonstration projects and for appropriations for surface water to supplement the water supply for land already irrigated. This stay shall remain in effect until June 1, 2009.

DEPARTMENT OF NATURAL RESOURCES

June 1, 2007

Ann Bleed, Director

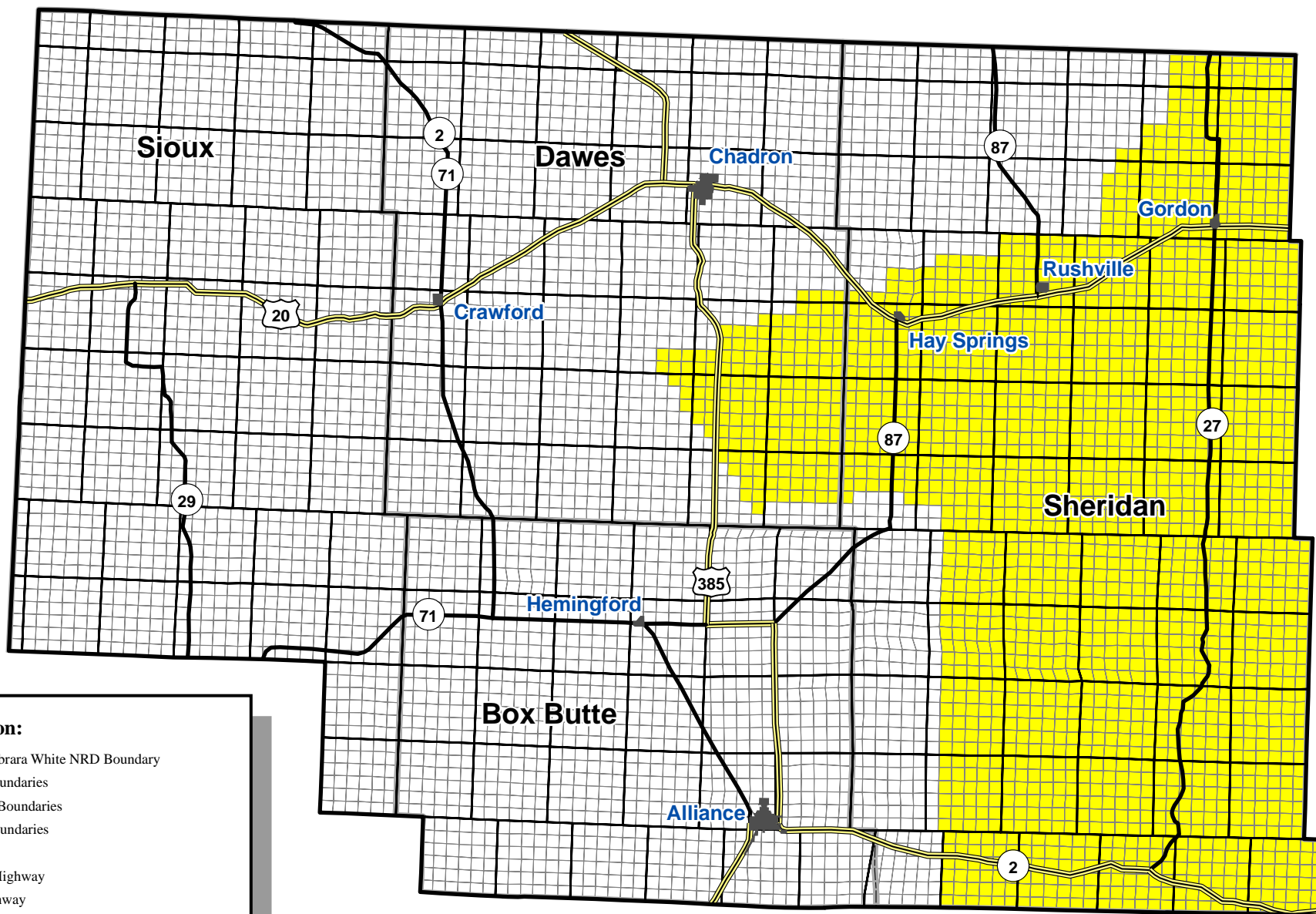
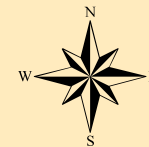
A copy of this Order was mailed on June ____, 2007 to Lyndon Vogt, General Manager of the Upper Niobrara White Natural Resources District, 430 East 2nd Street, Chadron, Nebraska 69337; and the Department of Natural Resources field offices.



Planning and Assistance Division

UPPER NIOBRARA WHITE NATURAL RESOURCES DISTRICT

Temporary Surface Water Moratorium Area



Explanation:

- Upper Niobrara White NRD Boundary
- County Boundaries
- Township Boundaries
- Section Boundaries
- Cities
- Principal Highway
- Other Highway

Proposed Temporary Stay or Moratorium on:

- Surface Water

This map is for general references only.
Portions of some sections represented as subject to a stay or moratorium may not be restricted.
Contact the local NRD regarding potential exceptions to stays or moratoriums.

Map Authored by Tina Kurtz - 2/16/2007
Map Produced by Kevin J. Schwartman - 6/4/2007
Map Updated by Kevin J. Schwartman - 6/4/2007